

June 21, 2011

ORDINANCE NO. 48-022

AN ORDINANCE AMENDING SECTION 11.38.285 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE MOTOR VEHICLE SAFETY BELT USE AND REPEAL OF THE ORIGINAL SECTION 11.38.285

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Section 11.38.285 of the Code of the City of Wichita, Kansas, shall read as follows:

(a) As used in this section "passenger car" means a motor vehicle, manufactured or assembled after January 1, 1968, or a motor vehicle manufactured or assembled prior to 1968 which was manufactured or assembled with safety belts, with motive power designed for carrying ten passengers or fewer, including vans, but does not include a motorcycle, or motor-driven cycle.

(b) Except as provided in subsection (d), each occupant of a passenger car manufactured with safety belts in compliance with Federal Motor Vehicle Safety Standard No. 208, who is 18 years of age or older, shall have a safety belt properly fastened about such person's body at all times when the passenger car is in motion.

(c) Each occupant of a passenger car manufactured with safety belts in compliance with federal motor vehicle safety standard no. 208, who is at least 14 years of age but less than 18 years of age, shall have a

safety belt properly fastened about such person's body at all times when the passenger car is in motion.

(d) This section does not apply to:

(1) An occupant of a passenger car who possesses a written statement from a licensed physician that such person is unable for medical reasons to wear a safety belt system;

(2) Carriers of United States mail while actually engaged in delivery and collection of mail along their specified routes;

(3) Newspaper delivery persons while actually engaged in delivery of newspapers along their specified routes; or

(e) Law enforcement officers shall not stop drivers for violations of subsection (b) by a back seat occupant in the absence of another violation of law. A citation for violation of subsection (b) by a back seat occupant shall not be issued without citing the violation that initially caused the officer to effect the enforcement stop.

(f) Persons violating subsection (b) and amendments thereto, shall be fined \$10.00 and no court costs. Persons violating subsection (c) and amendments thereto shall be fined \$60.00 and no court costs.

(g) The municipal court shall not report violations of this act to the department of revenue.

(h) If any provision of this section or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the section which can be given effect

without the invalid provisions or application, and to this end the provisions
of this section are severable.

SECTION 2. The original of Section 11.38.285 of the Code of the City of
Wichita, Kansas, is hereby repealed.

SECTION 3. This ordinance shall be included in the Code of the City of
Wichita, Kansas, and shall be effective upon its passage and publication once in the
official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this 21st day of
June, 2011.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf
Director of Law